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IAB # SH 2242518

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 13, 2010

OFFICE CORRESPONDENCE FILE NO. SH2242518

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: DIANE E. WALKER, CAPTAIN
COMPTON STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on April 26, 2009.

The Committee met on August 12, 2010 and consisted of me, Commander Eric G. Parra, Custody Operations Division, and Commander Daryl Evans, Technical Services Division. The Committee determined the use of force by Deputy Michael Coberg #[redacted] and Deputy Eric Moreno #[redacted] was within Department policy.

Please advise the deputies of this finding.

EBS:RSP/rsp

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 31, 2010

OFFICE CORRESPONDENCE FILE NO. SH2242518

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY MICHAEL COBERG #[redacted]
DEPUTY ERIC MORENO #[redacted]
COMPTON STATION

Deputies Michael Coberg and Eric Moreno, received a call for service regarding a Robbery in progress in the city of Compton.

When the deputies arrived, they were flagged down by two people who pointed toward Suspect Valdez who was a short distance away from the location of the robbery. Suspect Valdez jumped over a wrought iron fence on the south side of a two story apartment building and onto the walkway. As Suspect Valdez jumped down onto the walkway, he pointed a black handgun at the deputies. The deputies feared they were about to be shot and fired their duty weapons at Suspect Valdez. Suspect Valdez died as a result of his gunshot wounds.

A pellet gun was recovered from Suspect Valdez.

On August 12, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Michael Coberg and Eric Moreno was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputies Michael Coberg and Eric Moreno in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

October 29, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 09-0259
L.A.S.D. File No. # 009-06815-2822-013

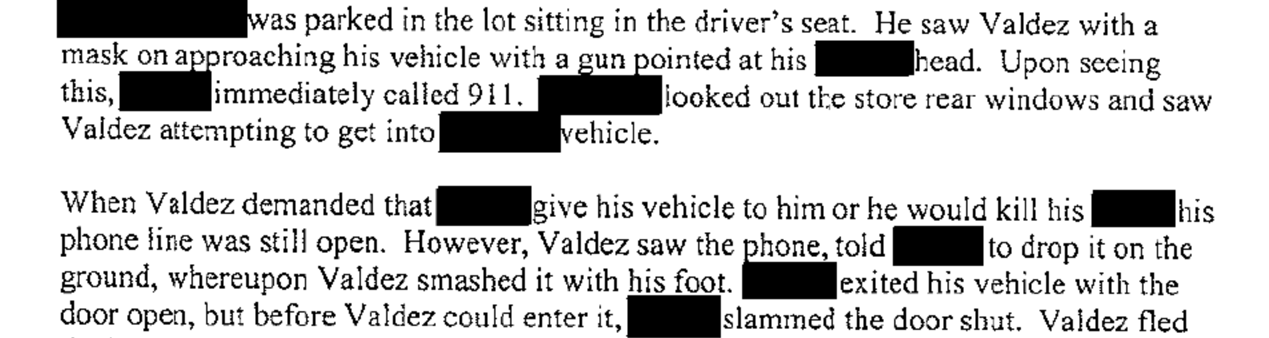
Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 26, 2009, fatal shooting of Gene Valdez by Los Angeles County Sheriff's Deputies Eric Moreno and Michael Coberg. We have concluded that Deputies Moreno and Coberg acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), and submitted to this office by Sergeant Joe Ramirez on September 23, 2009. The District Attorney Command Center was notified of the shooting at approximately 3:46 a.m. on April 26, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Renee Korn and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On April 26, 2009, at approximately 1:40 a.m., Gene Valdez, a [redacted] of "[redacted]" located at [redacted] entered the employee entrance at the rear of the restaurant wearing a black ski mask and gloves. Valdez took [redacted] an [redacted] hostage and held a gun to her head as he ordered the [redacted] to give him all of the money.



[redacted] was parked in the lot sitting in the driver's seat. He saw Valdez with a mask on approaching his vehicle with a gun pointed at his [redacted] head. Upon seeing this, [redacted] immediately called 911. [redacted] looked out the store rear windows and saw Valdez attempting to get into [redacted] vehicle.

When Valdez demanded that [redacted] give his vehicle to him or he would kill his [redacted] his phone line was still open. However, Valdez saw the phone, told [redacted] to drop it on the ground, whereupon Valdez smashed it with his foot. [redacted] exited his vehicle with the door open, but before Valdez could enter it, [redacted] slammed the door shut. Valdez fled the location on foot.

Deputies Eric Moreno and Michael Coberg were on patrol in the area when they received a radio call of "burglary in progress, suspect with a gun." A clothing description in the broadcast included that Valdez was wearing a black ski mask, gloves, and was possibly last seen in a black Toyota Tundra driving southbound on Santa Fe and Rosecrans Avenues. Moreno and Coberg responded to the area and positioned themselves 100 yards east of the location. While watching the location, a male, later identified as [redacted] was yelling and frantically pointing south. [redacted] ran eastbound on Rosecrans and motioned for the deputies to follow him. He stopped at the corner of Rosecrans and Santa Fe and shouted, "The black truck!"

Moreno saw a black truck pull out of a gas station onto Santa Fe Avenue. Moreno and Coberg detained the driver, and sole occupant. Moreno and Coberg determined that the driver, [redacted] was also a victim of the robbery. [redacted] directed Moreno and Coberg to Valdez, who was running towards an apartment complex. They chased Valdez in their patrol vehicle. Moreno exited the patrol vehicle and saw that Valdez was wearing a black ski mask and had a gun in his right hand. Coberg exited the patrol vehicle and saw Valdez jumping over a gate while wearing a ski mask.

As Moreno approached, he saw that Valdez had jumped over a wrought-iron gate with spikes, causing it to open and was on the opposite side of the gate facing Moreno. When Valdez landed, he was in a crouched position with his hands tucked out of sight. Moreno and Coberg repeatedly shouted at Valdez "Sheriff's Department, stop! Let me see your hands!" but he failed to comply. As Valdez stood up, with the gun in his hand, he turned to the right towards Moreno and Coberg. Fearing for their lives, Moreno and Coberg fired their weapons two to three times. The gunshots appeared to have no affect and Valdez continued to run down the walkway with his hands out of view. Moreno repeated his commands ordering Valdez to "Stop and show his hands!" Valdez again ignored Moreno's orders. Fearful Valdez would turn and fire his weapon, Moreno and Coberg fired their weapons again, striking Valdez in the torso.

Valdez took a few more steps and then fell to the ground with his hands concealed under his body. Valdez still was moving his hands underneath his body, consistent with attempting to retrieve a weapon. Valdez's conduct led Moreno and Coberg to believe he was still armed and continued to shout orders of, "Let me see your hands," but Valdez did not comply.

After assisting units arrived, Moreno pulled Valdez's arms out from under his body, and saw Valdez was holding a clear plastic bag containing cash and coins, totaling $1,878.74. Moreno and Coberg saw Valdez's gun, behind them lying on the walkway a few feet from Valdez. The weapon was determined to be a replica semiautomatic handgun, a GAMO/PT 80 pellet-type gun with the same shape, size and overall appearance of a Beretta Cougar 9mm. When the gun was recovered, it did not have any pellets, however the safety was off and the hammer was back. The frame and simulated slide portion of the replica handgun had printing and markings similar to the markings on a genuine handgun.

Los Angeles County Paramedics Compton Station arrived on the scene and Captain Bryant pronounced Valdez dead at 2:31 a.m. Valdez was transported to the Los Angeles County Morgue. On April 28 and 29, 2009 Deputy Medical Examiner Louis Pena, Jr., M.D., performed an autopsy on the body of Gene Valdez. He determined the cause of death was due to multiple gunshots wounds.

Investigators canvassed the area for witnesses to the shooting. [redacted] was asleep in her home located at [redacted] when she was awaken by male voices shouting, "Stop! Stop! Stop!" These commands were followed by five or seven rapid gunshots.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. (*People v. Minifie* (1996) 13 Cal.4th 1055, 1068.)

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

CONCLUSION

The evidence examined in this investigation shows that Gene Valdez, a [redacted] of "[redacted]" robbed the restaurant with a replica handgun. Valdez took [redacted] hostage and attempted to carjack [redacted] by threatening to kill [redacted] if [redacted] did not give Valdez his vehicle. [redacted] thwarted Valdez's plan to take his vehicle. Valdez fled the location on foot. Upon seeing Valdez running, Deputies Moreno and Coberg ordered him to "Stop and show his hands!" However, Valdez failed to comply and continued to run. He jumped over a gate and as he stood up displayed a handgun in Deputies Moreno and Coberg direction. Fearing for their lives, Deputies Moreno and Coberg fired their service weapons. The gunshots appeared to have no affect and Valdez continued to flee. Fearing that Valdez would fire his weapon, Deputies Moreno and Coberg fired their weapons again, striking Valdez in the torso and ultimately ending a potentially lethal situation.

Given the rapidly evolving, life-threatening situation that confronted Deputies Eric Moreno and Michael Coberg, we conclude they acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
(213) 974-3880

c: Deputy Eric Moreno #[redacted]
Deputy Michael Coberg #[redacted]

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 04-26-09	Bureau/Station/Facility: Compton Station	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 009-06815-2822-013	Date: 04-26-09	Time: 0220 hours	
City or Station: Compton Station	Nature of Incident: Deputies Coberg and Moreno received a call of a robbery in progress. When they arrived, the armed suspect was pointed out by citizens. The suspect ran from the deputies and pointed a pistol at them. Both deputies shot and mortally wounded the suspect.		
Location: [redacted] North Santa Fe Avenue, Compton			

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence** (circled), Rural, School, Street, Other: ____

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 5 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, **Call** (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy: 10

Total # of Shots Fired by Suspect: None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
None				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
None				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Burks	Kyle		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Cooper	Timothy	C.	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Plair	Vincent	E.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Howard	Dorothy	L.

PSTD Use Only

SH # ____

Officer Involved Shooting

*IRN: 009-06815-2822-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-26-09	0430 hours		

Employee #	Last Name	First Name	M.I
[redacted]	Denison	Trent	
[redacted]	Chemnetzer	Dana	
[redacted]	Ault	Alicia	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E # 1 & 2	FH	ZZ	WW			NN	
E # 1	S	FH			Y	Y	DH	
E # 2	S	FH			Y	Y	DH	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 009-06815-2822-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Coberg	First Name: Michael	M.I.: D.
Sex: M Race: White	Rank: DSG	Unit Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 284E
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6 - 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 601	Weight: 235		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 5	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: Moreno	First Name: Eric	M.I.: M.
Sex: M Race: Hispanic	Rank: DSG	Unit Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 284E
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 5 - 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 509	Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 5	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 009-06815-2822-013

Suspect Information

S 1

Last Name Valdez		First Name Gene	M.I. C.
AKA Last Name		First Name	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 18 D.O.B. 01-02-91	Height: 505 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge: N/A	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2009-02941	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

Investigative Summary

SH 2242518

Incident: Deputy Involved Hit Shooting
LASD Report: 009-06815-2822-013
IAB Investigator: Sergeant Trent Denison

Opening Statement

On Sunday, April 26, 2009, Internal Affairs Bureau investigators responded to an incident command post, erected by Compton Station personnel on Rosecrans Boulevard and Santa Fe Avenue in the city of Compton. Sergeant Trent Denison, Sergeant Dana Chemnitzer and Lieutenant Alicia Ault were briefed regarding the circumstances of a Deputy Involved Shooting involving two Compton patrol deputies. Sergeant Denison was assigned the responsibility for the administrative review of the incident.

Synopsis

Deputies Michael Coberg and Eric Moreno, Unit # 284E received a call for service regarding a Robbery in progress at [redacted] in the city of [redacted], "[redacted]" (a [redacted] food restaurant). When the deputies arrived 0220 hours, they were flagged down by two citizens who pointed toward Suspect Valdez, who was running south on Santa Fe Avenue, a short distance away from the location of the robbery. Suspect Valdez jumped over a wrought iron fence on the south side of a two story apartment building at [redacted] Santa Fe Avenue and onto the walkway between the apartment building and a block wall separating it from the residence on the south. As Suspect Valdez jumped down onto the walkway, he pointed a black handgun at both Deputy Coberg and Deputy Moreno. Both deputies feared they were about to be shot, and in order to protect themselves and each other, fired their duty weapons at Suspect Valdez in order to stop his assault on them. Suspect Valdez died as a result of his injuries from being shot.

Homicide detectives responded and documented their investigation in the Homicide Investigation Book **[Exhibit A]**.

The District Attorney's Office reviewed the incident and authored a Letter of Opinion **[Exhibit B]**, stating the District Attorney's Office would take no further action.

Involved Personnel

Deputy **Michael Coberg #**[redacted]

Work History

Date of Employment:	12/04
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Date Assigned to Compton Station:	01/08
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

Deputy **Eric Moreno #**[redacted]

Work History

Date of Employment:	07/00
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Date Assigned to Compton Station:	04/06
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

Suspect
Valdez, Gene Calos, MH/01-02-91, 5'05", 170 lbs., Black hair, Black eyes, [redacted], [redacted], ([redacted]).
Suspect Valdez had no prior criminal history / arrest record.

Witnesses
None

Injuries
Neither Deputy was injured during this incident.
Suspect Valdez died as a result of his gunshot wounds. The autopsy report for Suspect Valdez is found on page 72 in the Homicide Investigation Book. Suspect Valdez was shot nine (9) times and the Autopsy Report listed the cause of death as: "Multiple Gunshot Wounds".

Physical Evidence
Evidence of the robbery, such as the ski mask worn by the suspect, a replica pistol and a large bag of money, was located at the scene of the shooting. Evidence regarding the deputy involved shooting, shell casings and bullet impacts, were located and recovered at the scene.

All physical evidence was located and documented by Homicide detectives and Scientific Services Bureau personnel and may be reviewed in the Homicide Investigation Book **[Exhibit A]**.

Investigators Observations

IAB investigators noticed the location of the shooting was an east to west concrete walkway on the [redacted] of a [redacted] apartment building. The apartment building had stucco walls. The entry to the walkway on the [redacted] had a single entry wrought iron and mesh gate. On the [redacted] of the walkway there was a six foot tall cinder block wall and the walkway turned toward the north, allowing access to the apartments. The walkway was bordered on the [redacted] by a six foot tall cinder block wall which delineated the apartment building from the single family residence to the [redacted]. The walkway appeared to be clear of debris and there was a large lamp, which illuminated the entire walkway, [redacted] of the apartment building. The lamp was operational at the time IAB investigators were given a walk through of the scene by Homicide detectives. IAB investigators also noticed a large frame blue color semiautomatic pistol on the walkway approximately five feet east of the wrought iron gate. Investigators also noticed the body of Suspect Valdez, laying face down on the walkway with his head to the east and feet to the west. Suspect Valdez' body was approximately twenty feet east of the wrought iron gate. These observations by IAB investigators were made from the driveway of the shooting location. In order to maintain crime scene integrity, IAB investigators did not enter the walkway.

Weapon used by Deputy Coberg

Deputy Coberg fired five rounds of duty 9mm ammunition from his Department issued Beretta 92F 9mm pistol.

Weapon used by Deputy Moreno

Deputy Moreno fired five rounds of duty 9mm ammunition from his Department issued Beretta 92F 9mm pistol.

Weapon used by Suspect Valdez

Suspect Valdez was armed with a pellet gun (replica pistol) which had the appearance of a realistic large caliber semi automatic pistol. The gun is described on page 45 of the Homicide Investigation Book.

Property Damage

Five (5) bullet strikes were found on the block wall located at the east end of the walkway the shooting took place in.

Criminal Investigator

None, Suspect deceased.
Homicide Detectives Ramirez and Lugo investigated the incident.

Lighting and Weather Conditions
This incident occurred during the hours of darkness, approximately 0220 hours. The sky was clear and the weather was cool and dry.

IAB Interview of Deputy Coberg
On April 26, 2009, Deputy Coberg was interviewed by Homicide detectives regarding his involvement in the shooting. A review of Deputy Coberg's recorded interview was conducted and Homicide's summary of his interview was found to be a accurate account of what Deputy Coberg said. On March 3, 2010, Deputy Coberg was interviewed by IAB investigators and the following is a summary of that interview. The statements Deputy Coberg made to IAB investigators were consistent with his statements to Homicide detectives. Verbatim transcriptions of his interviews with Homicide detectives and IAB investigators is attached.

Deputy **Michael Coberg** told IAB investigators that he and his partner, Deputy Eric Moreno, drove to the location of the robbery to assist the handling unit. He said the handling unit coordinated the burglary call and he was tasked with responding to the east side of the restaurant in the call. Deputy Coberg said they were flagged down by a citizen running on the sidewalk near the restaurant, and who was pointing toward the east. He said he turned his radio car around and then noticed a man in a truck at the intersection of Rosecrans Boulevard and Sante Fe Avenue. He stopped and they both exited the radio car to investigate if the man in the truck was the suspect. As they did so, they noticed the man in the truck, who was later determined to be a victim of the robbery, frantically pointed southward on Sante Fe Avenue. Deputy Coberg said he then noticed a person dressed in dark clothing, running south in the northbound lanes, approximately eighty feet away.

Deputy Coberg said that he believed the person running was the suspect so he and Deputy Moreno drove after the suspect. When they drove to within twenty five feet of Suspect Valdez, they noticed he was climbing on top of a metal gate at [redacted] Sante Fe Avenue. Deputy Coberg said he and Deputy Moreno got out to chase after Suspect Valdez and ordered him to stop running. Deputy Coberg said they did not put out radio traffic regarding what was happening because the sequence of the event unfolded too quickly. He said they ran to within five feet of Suspect Valdez, and noticed he was wearing a ski mask pulled down over his face. He said Suspect Valdez jumped down to the opposite side of the fence, causing the fence to open as he did so. Deputy Coberg said he clearly saw Suspect Valdez land on the walkway with his body facing north, which allowed him to see the left side of Suspect Valdez. Deputy Coberg said that is when he noticed Suspect Valdez turn his upper torso toward him to look at them, at the same time bringing his right hand across his stomach and point a dark colored pistol at them. Deputy Coberg said he had no other choice but to shoot at Suspect Valdez to prevent himself or his partner from getting shot. Deputy Coberg said he fired two or three quick shots and Deputy Moreno, who was standing to his left, also fired several rounds at the same time.

Deputy Coberg said Suspect Valdez did not react as though he had been shot, and quickly ran east in the walkway. He added that as Suspect Valdez ran, he could no longer see Valdez' hands

and he believed Suspect Valdez was still a deadly threat, so he fired two or three more times from approximately fifteen feet away. He was unsure if Deputy Moreno was firing at this time. He said they walked approximately five feet inside of the gate and stopped as Suspect Valdez fell to the ground face forward but was still moving about on his hands and knees then to a flat position on his stomach. Deputy Coberg said he and Deputy Moreno both broadcast that they had been involved in a shooting and requested assistance and paramedics. A transcription of the emergent radio traffic is attached **[Exhibit C]**. He said that after the incident was over, he saw the suspect's weapon had been dropped and was near the gate.

During Deputy Coberg's IAB interview, a copy of the crime scene sketch was utilized by him to indicate approximate locations referred to during the interview. The sketch he used is attached to his verbatim IAB interview transcription to add clarity for the reader.

IAB interview of Deputy Moreno

On April 26, 2009, Deputy Moreno was interviewed by Homicide detectives regarding his involvement in the shooting. A review of Deputy Moreno's recorded interview was conducted and Homicide's summary of his interview was found to be a accurate account of what Deputy Moreno said. On February 10, 2010, Deputy Moreno was interviewed by IAB investigators and the following is a summary of that interview. The statements Deputy Moreno made to IAB investigators were consistent with his statements to Homicide detectives. Verbatim transcriptions of his interviews with Homicide detectives and IAB investigators is attached.

Deputy **Eric Moreno** told IAB investigators that he was the bookman and partnered with Deputy Coberg on the date of this incident. He said they responded to a Burglary call, which he believed was in reality, a robbery in progress. Deputy Moreno said they drove west toward the call and were flagged down by two citizens who pointed toward Suspect Valdez. He said he noticed Suspect Valdez was running south on Sante Fe Avenue but was too far away to make out any details of Suspect Valdez. He said Deputy Coberg drove toward Suspect Valdez and when they parked approximately twenty five to thirty feet away, they noticed Suspect Valdez was scaling a wrought iron gate on the south side of a two story apartment building and that he was wearing a ski mask over his face. He said they ran after the suspect but did not have a chance to broadcast what they were doing or call for assistance.

Deputy Moreno said he and Deputy Coberg ran up to within five feet of Suspect Valdez, who was now at the top of the gate and about to jump down. He said he noticed Suspect Valdez had both hands on the top of the gate and was holding a dark colored pistol in his right hand and was deliberately pointing the pistol at them. Suspect Valdez dropped down from the gate and as he did so, the gate swung open which allowed them to clearly see Suspect Valdez standing on the walkway several feet away in front of them. Deputy Moreno said Suspect Valdez pointed his pistol at them as Valdez partially faced them, and he believed Suspect Valdez was going to shoot them. He said he fired several shots at Suspect Valdez to prevent Valdez from shooting them and Deputy Coberg, who was standing to his right, also fired at the same time. Deputy Moreno said Suspect Valdez immediately ran east along the walkway. He ran several feet into the

walkway, after him. Deputy Moreno said he feared Suspect Valdez was still a deadly threat, so he fired two or three more shots at him to eliminate the threat of Suspect Valdez shooting at them. He did not realize Suspect Valdez had dropped his gun near the gate, until after assisting units arrived and because he could not locate the gun when he checked Suspect Valdez' body for it.

Deputy Moreno said that immediately after he shot, he broadcast on the radio that they had been involved in a shooting and requested assistance. He said he took up a position of cover near a stairwell in the walkway to the apartment and waited until assisting units arrived to help.

During Deputy Moreno's IAB interview, a copy of the crime scene sketch was utilized by him to indicate approximate locations referred to during the interview. The sketch he used is attached to his verbatim IAB interview transcription to add clarity for the reader..

Suspect Statements
None

Miscellaneous

* A CD copy of Homicide's interviews and a CD containing the emergent radio traffic are attached in **[Exhibit D]**.
* Admonition Forms
* Related case documents